

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 242 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed  
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy  
of the judgement? No

4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?  
No

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PATEL HEMANTKUMAR RAMESHBHAI

Versus

REGIONAL PASSPORT OFFICER

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Appearance:

MR MID PATEL with Shehnaz I.Patel for Petitioner

MS PROMILA SAFAYA for Respondent

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CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 04/02/97

ORAL JUDGEMENT

Rule. Ms Promila Safaya, learned Standing  
Counsel for Central Government waives service of notice  
of rule on behalf of the respondent.

At the request of learned Advocates appearing for the parties, the petition is heard today.

By means of filing this petition under Article 226 of the Constitution, the petitioner has prayed to direct the respondent to accept the application submitted by the petitioner for correction of date of birth from November 21,1962 to October 10,1963.

The petitioner had applied for passport. It was granted by the respondent on November 20,1996. In the passport, date of birth of the petitioner is mentioned to be November 21,1962. The petitioner obtained Birth Certificate which indicates that date of birth of the petitioner is October 10,1963. Under the circumstances, the petitioner applied to the respondent to issue fresh passport indicating date of birth of the petitioner to be October 10,1963. The grievance made by the petitioner is that the application submitted by the petitioner is not entertained by the respondent. Under the circumstances, the petitioner has filed the present petition and claimed relief to which reference is made earlier.

It is true that School Leaving Certificate shows that the date of birth of the petitioner is November 21,1962. However, the Birth Certificate issued by the competent authority indicates that the date of birth of the petitioner is October 10,1963. It is well settled that between School Leaving Certificate and Birth Certificate reliance should be placed on Birth Certificate. Under the circumstances, the following direction is given.

The respondent is directed to act on the Birth Certificate produced by the petitioner and process the application submitted by the petitioner for fresh passport according to law.

Rule is made absolute accordingly, with no order as to costs. D.S.Permitted.

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